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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,)	
)	2:07-cr-132-PMP-RJJ
Plaintiff,)	
)	
vs.)	GOVERNMENT'S MOTION
)	FOR CONTINUANCE
KATHY NELSON,)	
)	
Defendant.)	
_____)	

COMES NOW, the United States of America by and through its attorneys, DANIEL G. BOGDEN, United States Attorney, and ADAM FLAKE, Assistant United States Attorney, and respectfully requests this court enter an order resetting the Government's deadline to respond to Defendant's 28 U.S.C. § 2255 motion to 30 days after Defendant's former counsel, Karen Winkler, provides the information requested in the Government's motion to waive the attorney-client privilege. The Government's response is currently due on September 20, 2010.¹

This order is sought for the following reasons:

1. Defendant has filed a 28 U.S.C. § 2255 motion to vacate, set aside or correct sentence by a person in federal custody, alleging ineffective assistance of counsel.

¹The Government previously sought to extend the deadline to respond to Defendant's 28 U.S.C. § 2255 motion, *see* CR 95, but the Court has not addressed that motion. This motion to reset the deadline until 30 days after Winkler provides the information requested makes CR 95 moot.

3. The Government has filed a separate motion to waive the attorney-client privilege between Defendant and former counsel, Karen Winker, whom Defendant alleges gave ineffective assistance. The Government needs the information requested from Winker before it can respond to Defendant's 28 U.S.C. § 2255 motion.

WHEREFORE, based on the foregoing, it is respectfully requested that this Court reset the Government's deadline for responding to Defendant's 28 U.S.C. § 2255 motion to 30 days after Winkler provides the information requested in the motion to waive the attorney-client privilege.

DATED this 16th day of September, 2010.

Respectfully submitted,

DANIEL G. BOGDEN
United States Attorney

/s/ Adam M. Flake
ADAM FLAKE
Assistant United States Attorney

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) No. 2:07-cr-132-PMP-RJJ

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ORDER STAYING GOVERNMENT'S
DEADLINE TO RESPOND TO
DEFENDANT'S 28 U.S.C. § 2255 MOTION

)

11 **IT IS THEREFORE ORDERED** that the that the Government's deadline for responding to
12 Defendant's 28 U.S.C. § 2255 motion is stayed until 30 days from the date Karen Winkler provides
the information requested in the Government's motion to waive the attorney-client privilege.

Philip M. Chu

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CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2010, I electronically filed the foregoing GOVERNMENT'S MOTION FOR CONTINUANCE with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system. I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, to the following:

Kathy Nelson
355109
2322 N. Las Vegas Boulevard
Suite 200
North Las Vegas, NV 89030

Karen C. Winkler
300 S. Fourth Street, Ste. 701
Las Vegas, NV 89101

/s/ Terrie Murray
TERRIE MURRAY
Legal Assistant